

## Legislation Text

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File #: #19-062, Version: 1

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**PREPARED BY:** SARAH MAROOF

**DATE OF MEETING:** 03/18/19

**SUBJECT:**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING THE CITY OF SAN PABLO'S CONFLICT OF INTEREST CODE

**CITY MANAGER RECOMMENDATION**

Adopt Resolution

**COMPLIANCE STATEMENTS**

Amendment of the Conflict of Interest Code is a State-mandated legal obligation, in addition to the FY 2019-21 Council Priority Work Plan, effective March 1, 2019.

**CEQA Compliance Statement**

This is not a project subject to CEQA.

**BACKGROUND**

The public rightly expects their public officials to make decisions based on the best interests of the City and not their personal interests. To this end, California Government Code §87300 et seq., "The Political Reform Act," requires every public agency to adopt a Conflict of Interest Code. A Conflict of Interest Code designates the positions within an agency which make or participate in making governmental decisions that may foreseeably have a material effect on a personal financial interest (Appendix A to Attachment 1). These positions are required to disclose annually their financial interests pursuant to disclosure categories for investments, business positions, interests in real property and sources of income (Appendix B to Attachment 1).

Even if a public official or employee is not on the designated list attached with the Conflict of Interest Code, the individual is still prohibited from making governmental decisions in which the official has a financial interest.

Government Code §87306.5 requires that the City Council notify every local government agency, board and commission within its jurisdiction to review its Conflict of Interest Code and either amend the Code if necessary or submit a report by October 1, 2018, stating that no amendment is necessary. The Council must take this action every other year. Due to the City's Classification and Compensation Plan Amendment being in progress at the time this update was due, the Conflict of Interest Code update was postponed until such time that the Classification and Compensation Plan Amendment was completed and approved by the City Council. By Resolutions 2019-021 and 2019-026, the City Council of the City of San Pablo approved the Amendment to the City's Classification and Compensation Plan.

To reflect the City's current list of Public Officials and Designated Positions, the following changes are

proposed to Appendix A of Exhibit 1 as summarized below:

1. Addition of new, retitled and/or revised positions:

- A. Administrative Services Director
- B. Accounting Manager
- C. Administrative Clerk (Building)
- D. Administrative Clerk (Planning)
- E. Assistant City Manager
- F. Assistant/Associate Engineer
- G. Assistant/Associate Planner
- H. City Representative to Gaming Commission per Municipal Services Agreement
- I. Community & Economic Development Director
- J. Community Services Coordinator I/II
- K. Community Services Manager
- L. Community Services Supervisor
- M. Engineering Aide
- N. Human Resources Manager
- O. Information Technology Supervisor
- P. Maintenance and Operations Superintendent
- Q. Maintenance Supervisor
- R. Planning Manager
- S. Police Captain
- T. Police Lieutenant
- U. Police Sergeant (Code Enforcement)
- V. Police Support Services Manager
- W. Senior Environmental Program Analyst

2. Elimination of the following positions because the position no longer exists (either due to being retitled or eliminated) or because an analysis of the job duties has indicated that the position should no longer be included on the list of Designated Positions:

- A. Administrative Clerk (Residential Health & Safety)
- B. Assistant City Manager/Personnel Administrator
- C. Assistant Engineer
- D. Assistant Planner
- E. Assistant to the City Manager/Human Resources
- F. Assistant to the City Manager/Economic Development
- G. Associate Planner
- H. Associate Civil Engineer
- I. Community Services Coordinator
- J. Development Services Director
- K. Finance Director
- L. Finance Supervisor
- M. Gaming Oversight Committee
- N. Information Technology Technician
- O. Maintenance and Operations Supervisor

- P. Management Assistant
- Q. Police Commander
- R. Police Sergeant (POP)
- S. Police Sergeant (Services)
- T. Recreation Coordinator
- U. Recreation Supervisor
- V. San Pablo Local Successor Agency Board
- W. Youth Services Coordinator

3. Positions with a change to the Disclosure Category only:

- A. Building Official (from 3,4,5,8 to full disclosure category 1)
- B. Environmental Program Analyst (from 3,8 to additional disclosure 3,4,5,8 to include contracts and development businesses)
- C. Information Technology Administrator (from 4 to additional disclosure 6 to include City-wide contracts)
- D. Information Technology Manager (from 4,6 to 6 which includes category 4)
- E. Maintenance and Operations Superintendent (from 4 to 3,4 to include real property interests)
- F. Public Works Inspector (from 3,5,8 to 3,4,5,8 to include department contracts)
- G. Senior Civil Engineer (from 3,4,5,6 to 3,4,5,8)
- H. Senior Management Analyst (from 3,4,5,8 to 3,5,6,8 to include City-wide contracts)
- I. Senior Public Works Inspector (from 3,5,8 to 3,4,5,8 to include department contracts)

**FISCAL IMPACT**

No fiscal impact to amending the City's Conflict of Interest Code.

**ATTACHMENTS**

- 1. Proposed Conflict of Interest Code, updated to reflect recent changes in positions and to incorporate by reference the most recent provisions of Government Code section 18730
- 2. Previous Conflict of Interest Code adopted September 19, 2016, by Resolution 2016-276